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340116

October 27, 1993

VIA FEDERAL EXPRESS

Ms. Marsha A. Adams

5HSM-5J

Responsible Party Search Section

United States Environmental Protection Agency

Region 5

77 West Jackson Boulevard

Chicago, IL 60604-3590

Re: Request for Information Pursuant to §104(e) of  
CERCLA for the Stickney Avenue Landfill and Tyler  
Street Dump directed to NL Industries, Inc.

Dear Ms. Adams:

This letter is submitted in response to the Request for Information ("Request") issued by the United States Environmental Protection Agency ("Agency") to NL Industries, Inc. ("NL"), pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9604(e).

We understand that your Requests initially were directed to Doehler-Jarvis Corporation and were referred to NL Industries as a former owner of Doehler-Jarvis. NL did not acquire Doehler-Jarvis Corporation until 1953 and is not able to respond to your request for any period of time prior to NL's ownership. NL has no information on the present location of prior owners.

NL makes the following general objections to your Requests:

NL objects to your Requests to the extent they call for the production of documents and location of former employees from a time period that is unreasonably and unnecessarily broad. Producing documents and locating former employees from a thirty

**NL Industries, Inc.**

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year period is unduly burdensome and oppressive.

In addition, NL objects to your Requests to the extent that such Requests call for the production of information protected by the attorney client privilege and/or the work product doctrine.

Without waiving the general objections, NL makes the following responses to your Requests: (The number of each response corresponds to the number of each Request.)

1. NL objects to this Request for NL to "identify all persons consulted in the preparation of the answer" to the extent that such Request calls for the production of information protected by the attorney client privilege and/or the work product doctrine. Without waiving the general or specific objections, NL states that Charlene K. Pal, Esq., Counsel, investigated the Requests, located and reviewed relevant and/or responsive records in NL's possession, custody or control and held discussions with NL employees who, based upon the scope of their employment, could have had knowledge or information responsive to the Requests, and with other NL counsel.

In addition, NL searched internal records for the identity of former plant managers and other employees of Doehler-Jarvis who, based upon job position, could have information responsive to these requests. Extensive efforts were made to locate these former employees. Due to the long time period covered by the Requests, many of the individuals were deceased. In other cases, NL's available address information was no longer accurate. As a result of these efforts, NL was able to contact two former employees. 1. John Topolewski, who worked in a variety of positions at Doehler-Jarvis, Toledo from 1946 until sometime after NL sold Doehler-Jarvis in 1982. Mr. Topolewski had no information regarding the Site. 2. Charles Hodgson, who worked in a variety of positions at Doehler-Jarvis, Toledo, including Plant Manager, from pre-1953 until 1968. Mr. Hodgson had no information regarding the Site.

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2. NL objects to this Request for NL to "identify documents consulted, examined, or referred to in the preparation of the answer" to the extent that such Request calls for the production of information protected by the attorney client privilege and/or the work product doctrine. Without waiving and subject to this objection, NL states that it reviewed documents in NL's possession, custody or control that are potentially responsive to this request. No responsive documents were located.
3. NL sold the Doehler-Jarvis Division to Farley, Inc., 233 South Wacker Drive, Suite 5000, Chicago, Illinois 60606, in September 1982 and therefore cannot respond to Requests seeking information about activities of Doehler-Jarvis which took place after that date and cannot provide documents that may be in the possession, custody or control of Farley, Inc. NL acquired Doehler-Jarvis in 1953 and cannot respond to Requests seeking information about activities of Doehler-Jarvis which took place before that date and cannot provide documents that may be in the possession, custody or control of prior owners.
4. NL no longer owns or operates Doehler-Jarvis, Toledo and accordingly has no permits and/or registrations.
5. NL objects to this Request because it is overly broad and ambiguous. If this Request relates to the Stickney Avenue Landfill and Tyler Street Dump, then NL has located no information in its possession, custody or control that is responsive to this Request.
6. NL has located no information in its possession, custody or control that is responsive to this Request. See Response No. 2.
7. NL has located no information in its possession, custody or control that is responsive to this Request.
8. NL objects to this Request because it is beyond the Agency's authority for information gathering as set forth in §104(e). Without waiving the general or specific objections, NL states that it believes that some used materials generated by Doehler-Jarvis were

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sold and/or recycled. Some materials were discharged, by permit and/or after treatment, to the public sewer and/or other waterways. In addition, the U.S. EPA has designated NL a potentially responsible party at a number of Sites, including Metamora Landfill; Conservation Chemical, in Kansas City and in Gary, Indiana; Commercial Oil; and the Forest Waste Site, allegedly due to wastes generated by Doehler-Jarvis, Toledo.

Sincerely,

A handwritten signature in cursive script that reads "Charlene K. Pal". The signature is written in dark ink and is positioned above the printed name.

Charlene K. Pal